Dear Sir / Madam ,

With this contribution to the Irish TRIS notification (2022/871/IRL) on the Registration of Short-Term Tourist Letting Bill 2022, I request the Commission to issue a detailed opinion on this matter or, in a best-case scenario, to block a draft for a period of 12 to 18 months

as the European Union harmonization work is already underway in the same field (Commission’s proposal for a Regulation on short-term rental

data collection and sharing).

While I agree with a simple, online, and well-functioning registration procedure for short-term rentals, I do not believe this Bill will achieve it. Let me tell you why …..

We live in a middle of a forest out in County Meath where we run a small self catering operation [www.pheasantlane.ie](http://www.pheasantlane.ie) from our Principal Private Residence. Along with over 90% of Self-Catering tourist accommodation offerings in Ireland, we will be forced to close down from 01 January 2024 (primarily because we live in a rural area of an RPZ ) due to the introduction of the Planning and Development Bill 2022 & the Short Term Tourist Lettings Bill 2022 unless there is movement from the Irish Government on the proposed legislation.

Our own situation here in County Meath was recently highlighted in the Meath Chronicle

<https://www.meathchronicle.ie/2023/02/24/clarity-needed-on-impact-of-legislation-on-tourist-accommodation-providers/>

There are numerous unintended consequences which will impact not only on us, but all rural communities throughout the country. We urgently require movement on the points noted above to protect our livelihood and indeed the fabric of the communities in Rural Ireland.

Without prior publication and consultation on the pre planning guidelines , ***Self Catering Tourist Providers ( in low density areas regardless of their location ) are being asked by the Department of Housing and Tourism to go to the Cliffs of Moher , stand on the edge , jump off and trust that the same departments will put some measures in place to catch us before we smash into the rocks below.*** The impacts or implications of this will not be keenly felt by the general public until next year and similar to the UK / Brexit scenario , it will be too late at that stage to the reverse the damage.

If this legislation is allowed to proceed in its current guise, it will impact on us in the following manner.

* Due to our location in a designated Rent Pressurised Zone , we will be denied an opportunity to comply with local planning regulations and thus gain the commercial licence required by Failte Ireland to continue trading.
* Our nearest town of Kells , County Meath is 16km away ( to get there we must walk 2.2km to our nearest village and then get a bus which is served only 5 times daily ). Kells LEA was only recently added to the RPZ listing by the Irish Government in July 2019.
* RPZ’s use Local Electoral Area’s as a measure and we believe that this measure is flawed. Initially , LEA’s were restricted solely to Dublin City Centre ( so RPZ’s was a valid measure as all the electoral constituencies were in high density urban populated areas ). Over a period of time the Irish Governemnt rolled out the RPZ’s to include other constituencies outside of Dublin. The issue here is that there are urban and rural areas contained within LEA’s outside of the major cities.
* The link below is a map of the LEA’s in County Meath , you will note that we are in Administration Boundary Electoral Division 063 Killallon ( located just above the N52 on the map ). We are on the outskirts of the Kells LEA neighbouring the next county. The one area of high density is Administration Boundary Electoral Division 001 Ceannanus Mor ( Kells ) Urban ( which is the little island in the middle of the LEA coloured Turquoise ).The reason why Kells LEA is included as an RPZ is because the figures for Ceannannus Mor Kells Urban Kells.
* <https://www.meath.ie/council/council-services/elections-and-voting/voting-in-meath/electoral-areas-municipal-districts>
* **Kells Electoral divisions are as follows :** An Ráth Mhór, Ardagh, Baile Atha Buí, Ballinlough, Balrathboyne, Boherboy, Burry, Carrickleck, Castlekeeran, Castletown, Ceannas Mór Rural (part), Ceanannas Mór Urban, Crossakeel, Crosskeys, Cruicetown, Domhnach Phádraig, Drumcondra, Girley, Grennanstown, Killallon, Killeagh, Kilmainham, Kilskeer, Knocklough, Loughan, Maperath, Martry, Moybolgue, Moylagh, Moynalty, Newcastle, Newtown, Nobber, Oldcastle, Posseckstown, Rathkenny, Staholmog, Stonefield,Tailtin and Trohanny.  
  **Number of seats:** 7
* The electorate for the entire Kells LEA is 26,262, Killallon has 0.84% of those votes.
* Housing Stock for County Meath in 2011 was 69,404 , the housing stock in Killallon was 95 = 0.1368% , Population of County Meath in 2011 was 183,396, Killallon was 221 = 0.1205%.
* Our address is in the electoral area of Killacroy , Killallon , County Meath which consists of a housing stock of 9 houses = 0.01297% of the County Housing Stock or 0.00927% of the County population.

# Source : CD165 - Meath Population by Private Households, Occupied and Vacancy Rate

* <https://data.gov.ie/dataset/cd165-meath-population-by-private-households-occupied-and-vacancy-rate/resource/64566e91-2b67-43ed-a782-6baf55f47a90>
* ***The Irish Government have the information available at their fingertips to differentiate between urban and rural areas in the entire country. This should form the basis of determining the urban / rural divide not the legacy RPZ’s from Dublin electoral divisions.***
* The most recent online census information available is 2016 and it breaks down each and every townland in the country that form part of the Local Electoral Area into 3 different categories Urban , Mixed Urban/Rural & Rural. The spreadsheet below states whether any townland in the country is urban , mixed urban/rural or rural.
* <https://www.cso.ie/en/media/csoie/census/census2016/census2016boundaryfiles/COP2016_Townlands.xlsx>
* It has been suggested by the Irish Government that anyone outside an RPZ will be exempt from planning for the purposes of the short term letting bill and this demarcation will protect those in Rural Ireland.  ***This statement is false and misleading.***
* Anyone who falls into the category of Rural on this Government Document <https://www.cso.ie/en/media/csoie/census/census2016/census2016boundaryfiles/COP2016_Townlands.xlsx> should therefore by default fall into the category of exempt from planning regulations for the purposes of the Short Term Lettings Bill instead of using the RPZ’s.
* There is already precedent and the capability to divide areas within an RPZ into the urban/ rural divide. The Irish Government itself via the Local Electoral Area ( LEA ) itself recognises this divide within Kells town area itself where it has different Administration Boundaries for Electoral Divisions 001 Ceannaunus Mor ( Kells ) Urban , 026 Ceannaunus Mor ( Kells ) Rural. And in County Meath alone this is 2replicated also in Navan LEA’s ( Urban & Rural divide ) & Trim LEA’s ( Urban & Rural divide ).
* Yet the Irish Government is still insistent that the Killallon LEA ( ED063) which has land mass area 10 times greater than the Kells Urban LEA ( ED001 ) but with a population 30 times less is a Rent Pressurised Zone. We are about as rural as you can get !!



* ***It is time to replace the RPZ’s as the determining factor regarding planning in the Short Term Letting Bill and replace it with the more equitable Urban / Rural divide at townland level which is readily available to all in the Census reports.***
* <https://www.cso.ie/en/census/census2016reports/census2016smallareapopulationstatistics/>
* Our nearest village is in the neighbouring County of Westmeath and is 2.2km away. It has 22 derelict houses , previously had 7 public houses ( pubs ) that are now all closed. It has 1 coffee shop , 2 fast food outlets and 2 small shops. As it is located in County Westmeath anyone living there can apply and will be granted planning permission for a Short Term Let as they are applying to County Westmeath not County Meath.
* Using Rent Pressure Zones is far too broad a tool to determine whether you will be granted permission for a short term letting. Local factors within an RPZ are not taken into account and no provision is being made for them to accommodate the reality on the ground. For example , our next door neighbour lives in County Westmeath , which is not in a Rent Pressurised Zone therefore he will be granted permission for a short term letting whilst I will not.
* Indeed he can also apply for 75% capital funding from the EU to set up a short term letting business from Westmeath County Council Leader Fund whilst I am precluded from applying to Meath County Council under the same fund !
* Prior to the introduction of this proposed legislation , we were allowed to operate a short term rental business under two separate headings. Firstly , no planning permission was required if you were operating from your main property and secondly , you were also allowed to operate anywhere in the country for up to 90 days without applying for planning permission. “ Since 2019, it has been the law for some hosts of short-term lets like Airbnbs to have appropriate planning permission if they are in an RPZ. This is required if a person’s primary residence is being let on a short-term basis for more than 90 days, or if a second property is being rented as an Airbnb within an RPZ.”. Source Irish Independent 18th March 2023 <https://www.independent.ie/irish-news/owners-of-thousands-of-airbnb-properties-in-rental-hotspots-have-no-planning-permission-42392971.html> Neither of those applied to us. This is all about to change.
* RPZ’s are referred to in Irish legislation in the proposed Planning and Development Act 2022. It is a 738 page document which will form the basis for planning in Ireland over the coming decades.
* ***The RPZ’s are only referred to on pages 39-41 and relate purely to Short Term Lets. They do not feed into the Local Area Plans , Regional Spatial Strategies or National Policy. It is effectively a way of hiving off an entire sector of the community in a discriminatory manner.***
* Provisions are made for EU funding via the Leader programme in both Meath and Westmeath. Indeed , a Local MEP praises the work of the Meath Partnership <https://www.sinnfein.ie/contents/62448> ***.*** One of the expressed aims of this programme is the promotion of rural tourism coupled with the generation of employment. EU funding is set aside and it is up to each County Council to administer this fund. <https://meathpartnership.ie/en/leader/>
* The introduction of the Short Term Lettings Bill will specifically prohibit any existing Self Catering Rural Tourism operator within an RPZ from applying for a change of use thus denying them access to EU funding. This despite the Irish Government declaring on the Census information that that person is already living in a rural townland area. ***On that basis it is my belief that the attachment of RPZ’s to Short Term Tourist Bill and the Planning and Development Act 2022 is in direct contravention with a current source of EU funding and should be removed from the bill in its’ entirely.***
* The Irish Government have collected Stamp Duty on the purchase of my property. They are currently collecting both income tax on our earnings and local property taxes from the property.
* The Irish Government have a listing of all the properties in the state for which I am attached to. On the basis they are aware that the property on this folio number is my sole property. It is my main ( sole ) dwelling.
* I only own one property , it is my Principal Private Residence , I live here , it is my home and that of my family. That may seem obvious but there is a reason why I must state this.
* There is a provision whereby a person can operate a bed and breakfast accommodation offering from their home without the requirement of planning <https://www.dublincity.ie/dublin-city-development-plan-2016-2022/16-development-standards/1611-bed-and-breakfasts-guest-houses>
* ***By not extending the same provisions i.e. exempt from planning provisions to people offering less than 4 bedrooms to all other types of tourist accommodation ,*** ***it is my view that this is a discriminatory action by the Irish Government against a class of society ( Self Catering tourist operators ) and an unequal treatment of different class of tourist accommodation providers who are offering a service from their Principal Private Residence.***
* The introduction of a commercial licence attached to the Short Term Letting Bill is also raising major concern for me and my family. As stated above the self catering units are located on my principal private residence and have stood there for over a century. When we purchased the property , they were included in valuation and stamp duty was paid on the same. They are included on the exact same folio and cannot be separated, in other words I cannot sell my house without selling the outhouses and vice a versa.
* If a commercial licence is attached to the outhouses , then any prospective purchaser of my property will only be able to get a 90% mortgage on the residential element of my house. They will not be able to get funding on the portion deemed commercial and as a net result approx. 25% of the value has been wiped off my home.
* In addition , this is the main source of income for my wife, so instead of contributing to the local economy , this will result in her having to sign on for social welfare and be a drain on the economy. Where is the logic in that ??
* I am calling for an amendment to either drop the commercial licence altogether or offer a dual residential / commercial licence which will not impact on the value of my home , the ability of a prospective purchaser to obtain a residential mortgage on my entire folio or the ability for me to move around the EU in the future. If this does not occur then this will impact on the Freedom of movement or trade between EU states as I will be permanently tied down to this property until the day I die ?

Here in Ireland , there is a massive amount of investment ( a lot of it is EU funding ) going into the provision of greenways in rural locations , but has anyone asked themselves where are all these people going to stay ?? Greenways and cycleways , by the very nature of their location are not economically viable for the traditional tourist offerings. Tourists are seeking authentic experiences not hotel chains ( located only in large urban footfall areas ) , so they would have been staying with likes of ourselves and in turn benefitting local economies.

The good news for all concerned is that there is still just about enough time for a positive reaction and pre-empt the closure of self catering tourist accommodation in rural Ireland and the devasting knock on consequences.

I request the Commission to issue a detailed opinion on this matter or, in a best-case scenario, to block a draft for a period of 12 to 18 months as the European Union harmonization work is already underway in the same field (Commission’s proposal for a Regulation on short-term rental data collection and sharing).

Thanking you for your support in this regard.

Yours Sincerely,

Derek Keogh

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